

DOCKETED

OCT 06 2004

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LAUREN WELLER,

Plaintiff,

vs.

LOYOLA UNIVERSITY
HEALTH SYSTEM,

Defendant.

04C 6435

JUDGE PALLMEYER
No.

MAGISTRATE JUDGE MASON

ED-7
FILED FOR DOCKETING
04 OCT -5 PM 3:51
CLERK
U.S. DISTRICT COURT

**COMPLAINT PURSUANT TO TITLE IX OF
EDUCATION AMENDMENTS OF 1972**

Plaintiff, LAUREN WELLER, (WELLER) by her attorneys, GAFFNEY & GAFFNEY,
for her Complaint against Loyola University Health System, (LUHS), states:

1. This cause of action is brought pursuant to Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq. This Court has jurisdiction pursuant to 28 U.S.C. § 1331.
2. LUHS is an Illinois Corporation which operates the LUHS Program for Prehospital Medicine from the Loyola University Medical Center in Maywood, Cook County, Illinois.
3. Beginning on or about September 4, 2002, WELLER was a full-time vocational student within the LUHS Program for Prehospital Medicine at Loyola University Medical Center in Maywood, Cook County, Illinois, (Paramedic Training Program).
4. LUHS is a private, academic healthcare institution located at Loyola University Medical Center in Maywood, Cook County, Illinois. LUHS is an affiliated institution of higher education of Loyola University of Chicago, located in Chicago, Cook County, Illinois.

5. LUHS and Loyola University of Chicago conduct education programs and activities that receive Federal Financial Assistance as defined by 20 U.S.C. § 1681.

COUNT I—SEXUAL HARRASSMENT

6. WELLER is female and Daniel R. Carlascio, EMS Instructor and Paramedic Program Director, is male.

7. WELLER was repeatedly subjected by Carlascio to conduct of a sexual nature which constitutes sexual harassment based upon her sex, female.

8. During her tenure as a student at the LUHS Program for Prehospital Medicine, WELLER was subjected to repeated and pervasive acts of sexual harassment by her EMS Instructor and Paramedic Program Director, Daniel R. Carlascio.

9. The conduct of Carlascio of a sexual nature committed upon WELLER because of her sex, female, was severe and pervasive so as to alter the conditions of her academic environment and thereby created a hostile academic environment.

10. Throughout WELLER'S tenure as a student at the LUHS Program for Prehospital Medicine, Daniel Carlascio was her EMS Instructor and Paramedic Program Director. Whether or not WELLER would pass or fail her academic training as a student was based upon the training, assistance, coaching and evaluation of Daniel R. Carlascio. Daniel R. Carlascio also engaged in *quid pro quo* sexual harassment in that he invited female students, including, but not limited to, WELLER into engaging in sexual activity. Female students that accepted his proposal to engage in sexual activity were provided preferential assistance, training, coaching and favorable evaluation which would lead to their successful completion of the paramedic training program. Carlascio requested that WELLER engage in sexual activity. WELLER rejected Carlascio's request to engage in sexual activity. As a result of WELLER'S refusal to engage in

sexual activity with Carlascio, Carlascio failed to provide WELLER with the assistance, training and coaching to assist WELLER in successfully completing the paramedic training program. Instead, Carlascio unfavorably evaluated WELLER'S performance as a student, openly harassed and criticized her in the classroom and refused to properly credit her work as a result of WELLER'S refusal to engage him in sexual activity.

11. WELLER provided notice that she was subjected to both a hostile academic environment and *quid pro quo* sexual harassment by Daniel R. Carlascio to "appropriate persons" as defined by 20 U.S.C. § 1682. Persons at LUHS that were placed on notice of WELLER'S allegations of sexual harassment included Christine J. Chaput, Assistant EMS System Coordinator; Maureen Niketopoulos, Manager, Emergency Medical Services; and, Mark E. Cichon, EMS Medical Director. As the EMS Program Director, Daniel R. Carlascio himself was an "appropriate person" as defined by 20 U.S.C. § 1682.

12. LUHS had prior notice of sexual harassment by Daniel R. Carlascio and was deliberately indifferent by failing to take corrective action to end the acts of Carlascio's sexual harassment.

13. As a result of Carlascio's acts of sexual harassment, WELLER'S enrollment as a student at the LUHS Program for Prehospital Medicine was terminated by Carlascio on or about May 5, 2003. But for the sexual harassment, WELLER would have successfully completed the LUHS paramedic training program.

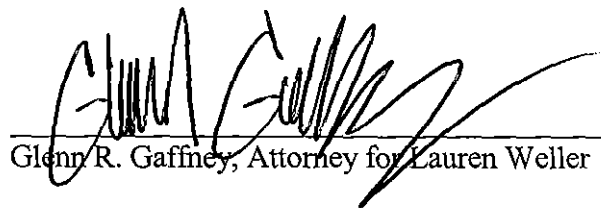
COUNT II—RETALIATION

14. After WELLER engaged in statutorily protected activity by notifying officials of LUHS that Carlascio was engaging in acts of sexual harassment, LUHS notified Carlascio and others of WELLER'S allegations. After Carlascio was put on notice that WELLER had made

allegations of sexual harassment against him, Carlascio engaged in retaliatory conduct which was intended to and resulted in WELLER'S dismissal as a student at the LUHS Program for Prehospital Medicine.

15. On May 5, 2003, Carlascio effectuated the dismissal of WELLER as a student at LUHS. WELLER'S dismissal is causally linked to WELLER'S opposition to sexual harassment and constitutes retaliation in violation of Title IX of Educational Amendments of 1972.

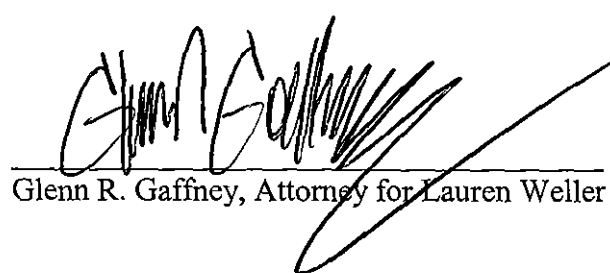
WHEREFORE, Plaintiff requests all legal and equitable relief that is available pursuant to Title IX including compensatory damages, make whole relief, punitive damages, attorney's fees and costs of suit.



Glenn R. Gaffney, Attorney for Lauren Weller

JURY DEMAND

Plaintiff demands trial by jury.



Glenn R. Gaffney, Attorney for Lauren Weller

Glenn R. Gaffney
Justin R. Gaffney
GAFFNEY & GAFFNEY
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Glendale Heights, IL 60139
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Attorney #6180598

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

Civil Cover Sheet 04C 6435

DOCKETED
OCT 06 2004

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Northern District of Illinois.

Plaintiff(s): LAUREN WELLER

**Defendant(s): LOYOLA UNIVERSITY
HEALTH SYSTEM JUDGE PALLMEYER**

County of Residence: DuPage

County of Residence: Cook

Plaintiff's Atty: Glenn R. Gaffney
GAFFNEY & GAFFNEY
1771 Bloomingdale Road,
Glendale Heights, IL 60139
630-462-1200

Defendant's Atty: Jill M. Rappis
MAGISTRATE JUDGE MASON
General Counsel
2160 S. First Avenue,
Maywood, IL 60153

II. Basis of Jurisdiction: 3. Federal Question (U.S. not a party)

**III. Citizenship of Principal
Parties (Diversity Cases Only)**

Plaintiff: -N/A
Defendant: -N/A

IV. Origin : 1. Original Proceeding

V. Nature of Suit: 440 Other Civil Rights

VI. Cause of Action: Title IX of the Education Amendment of 1972, 20 U.S.C. Section 1681 et. seq.

VII. Requested in Complaint

Class Action: No
Dollar Demand: No
Jury Demand: Yes

VIII. This case IS NOT a refiling of a previously dismissed case.

Signature:

Date:

9/30/04

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, print this form, sign and date it and submit it with your new civil action. **Note: You may need to adjust the**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

In the Matter of

EASTERN DIVISION

DOCKETED

LAUREN WELLER

V.

LOYOLA UNIVERSITY HEALTH SYSTEM

040

Case Number:

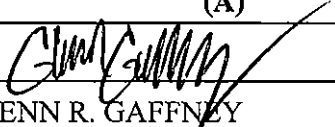
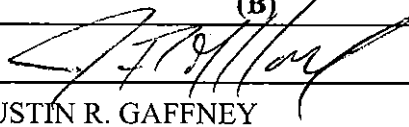
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JUDGE PALMEYER

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

Plaintiff-LAUREN WELLER

MAGISTRATE JUDGE MASON

(A)		(B)	
SIGNATURE 		SIGNATURE 	
NAME GLENN R. GAFFNEY		NAME JUSTIN R. GAFFNEY	
FIRM GAFFNEY & GAFFNEY		FIRM GAFFNEY & GAFFNEY	
STREET ADDRESS 1771 BLOOMINGDALE ROAD		STREET ADDRESS 1771 BLOOMINGDALE ROAD	
CITY/STATE/ZIP Glendale Height, Il 60139		CITY/STATE/ZIP Glendale Heights, IL 60139	
TELEPHONE NUMBER 6304621200	FAX NUMBER 6304627698	TELEPHONE NUMBER 6304621200	FAX NUMBER 6304627698
E-MAIL ADDRESS grgaffney@aol.com		E-MAIL ADDRESS jgaff_cf1@yahoo.com	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6180598		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6281428	
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TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
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SIGNATURE		SIGNATURE	
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STREET ADDRESS		STREET ADDRESS	
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TELEPHONE NUMBER	FAX NUMBER	TELEPHONE NUMBER	FAX NUMBER
E-MAIL ADDRESS		E-MAIL ADDRESS	
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